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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,322	07/11/2000	Craig M. Janik		1023

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EXAMINER

CHANG, ERIC

ART UNIT	PAPER NUMBER
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2185

DATE MAILED: 04/23/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/613,322

Applicant(s)

JANIK, CRAIG M.

Examiner

Eric Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 7-31 are pending.

Drawings

2. The drawings are objected to because the directional arrows in FIGS. 6 and 7 are incomplete. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,134,584 to Chang et al. in view of U.S. Patent 5,774,664 to Hidary et al.

7. As to claim 7, Chang discloses a computer with a timer device for connecting to the internet via a port [col. 8, lines 11-12] and downloading pre-selected information to be presented to the user [col. 1, lines 44-56]. It is well known in the art that a computer commonly further comprises a visual display and a speaker, substantially as claimed.

Chang teaches all of the limitations of the claim but does not teach that a timer in the computer also activates the presentation of the information at a predetermined time.

Hidary teaches that the presentation of information from the internet may be scheduled to be presented to the user at predetermined times [col. 5, lines 66-67, and col. 6, lines 1-9].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the scheduled presentation as taught by Hidary. One of ordinary skill in the art would have been motivated to do so that the information retrieved may be presented to the user at a predetermined time.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of PROBLEM. Moreover, the scheduled presentation means taught by Hidary would improve the convenience of Chang

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because it allowed the downloaded information to be automatically presented without further user intervention.

8. As to claims 8, 16-17, 23 and 25, Hidary discloses the timer determines the downloading and presentation of the information in response to time related information downloaded from the website [col. 3, lines 43-52]. Hidary teaches a web server that contains scheduling information for the presentation of information that is sent to the client display devices over the internet, substantially as claimed. In addition, Hidary teaches the scheduling information for transmitting said information to the user may coincide with scheduled broadcasts [col. 3, lines 43-52]. Furthermore, Chang also teaches that the data to be downloaded may be selected by the user, in addition to the time at which the download should occur [col. 3, lines 35-52].

9. As to claims 9, 14 and 24, Hidary discloses the web pages presented to the user may contain hyperlinks that can be selected, or tagged, by the user, causing additional requests to be sent to the website to request further related information [col. 8, lines 45-67, and col. 9, lines 1-2].

10. As to claims 10 and 15, Hidary discloses the device further comprises a tuner for receiving broadcast information and presenting said broadcast information to the user via the speaker and monitor [col. 5, lines 1-21]. Because Hidary teaches receiving broadcast audio/video information, it would be obvious to one of ordinary skill in the art that a tuner for

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radio signals may be substituted for the taught television receiver, because both apparatuses are directed towards receiving broadcast information.

11. As to claims 11, 19 and 26, Chang discloses a memory for storing the downloaded information for later presentation [col. 3, lines 63-65].

12. As to claims 12 and 22, it is well known to one of ordinary skill in the art that a computer commonly further comprises a sound subsystem comprising a speech synthesizer for audibly broadcasting information over the speaker.

13. As to claims 13, 20, 27 and 28, Chang discloses a proxy server that acts as a server device between the internet and a display device for information downloaded from the internet, such as a computer, by downloading and storing said information in a server memory and subsequently presenting it to said display device [col. 2, lines 9-42].

14. As to claims 18 and 30-31, Chang further discloses the proxy server may provide internet access not only to a single display device, but also to a plurality of such display devices, substantially as claimed [col. 2, lines 21-42]. In addition, Hidary teaches that the presentation of information may be made according to a predetermined time value; it would be obvious to one of ordinary skill in the art that such timed presentation means, applicable to a single display device, would also be applicable to a plurality of display devices, substantially as claimed [col. 3, lines 43-52].

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15. As to claim 21, Chang discloses a method to download information from the internet at a predetermined time that may be implemented by a computer. Because the proxy server taught by Chang is also a computer, it would be obvious to one of ordinary skill to implement the timer means for scheduling the download in the proxy server, substantially as claimed [col. 2, lines 21-25].

16. As to claim 29, Hidary discloses that the downloading, transmitting, and presenting steps are performed simultaneously [col. 8, lines 24-44]. Hidary teaches up-to-the-minute information, such as that comprising stock and financial news, may be downloaded from the internet and presented to the user in accordance to a pre-selected content selection.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (703) 305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


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April 17, 2003



THOMAS LEE
SUPERVISORY PATENT EXAMINER
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